

Serial No. 10/607,802
Examiner: Bradford F. Fritz

REMARKS

The Application has been carefully reviewed in light of the Office Action mailed May 28, 2008. At the time of the Final Office Action, claims 1-11, 13-21 and 23-76 were pending in the Application and all pending claims were rejected. The Examiner took the following actions: (I) objected to the drawings under 37 CFR 1.84(i) and (II) rejected claims 1-11, 13-21 and 23-76 under 35 U.S.C. § 103(a) as being unpatentable over Summers (U.S. Patent No. 6,876,734) in view of Roseman (U.S. Patent No. 6,608,636) and further in view of Christofferson (U.S. Patent No. 7,006,616). In order to advance prosecution of this case, a replacement drawing sheet for Fig. 8 has been filed, claims 1, 50, 56, 63 and 71 have been amended and remarks addressing the previous rejections have been presented herein. The Applicants respectfully request reconsideration and favorable action in this case.

I. Objection to the Drawings Under 37 CFR 1.84(i)

The drawings were objected to because at least one of the figures had words that were not in a horizontal left-to-right fashion when the figures were held either widthwise or lengthwise. Examiner did not cite a specific figure in the May 28, 2008 Office Action, however, it appears that Examiner is referring to FIG. 8 with this objection. An appropriate replacement sheet is being filed herewith for that figure. If this is not the figure Examiner objects to, a more specific objection citing the offending figures is requested.

II. Rejection Under 35 U.S.C. § 103(a)

Claims 1-11, 13-21 and 23-76 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Summers in view of Roseman and further in view of Christofferson. The

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Applicants assert that, in view of the amendments and remarks presented herein, the present invention as recited in independent claims 1, 50, 56, 63 and 71; and all other claims dependent thereon, is clearly distinguished from Summers and/or Roseman and/or Christofferson, and provides advantageous, useful and non-obvious functionality in view of Summers and/or Roseman and/or Christofferson. Accordingly, the Applicants submit that the rejections under 35 U.S.C. § 103(a) applied to claims 1-11, 13-21 and 23-76 as being unpatentable over Summers in view of Roseman and further in view of Christofferson is overcome and respectfully request the Office withdraw the rejections asserted against claims 1-11, 13-21 and 23-76 under 35 U.S.C. § 103(a).

Independent claims 1, 50, 56, 63 and 71 were previously amended to recite the additional limitations of: "...said Create Avatar functionality includes facilitating creation of an avatar conference being conducted simultaneously with the conference, wherein participants of the Avatar conference are a subset of participants in the conference, and wherein an incarnation of the member administrator resides as the administrator in the avatar conference with all the capabilities that the member administrator has in the conference in addition of a bridge function that can selectively bridge the avatar conference with the conference." The previously cited references (Summers and Roseman) individually and/or in combination do not disclose: (1) Create Avatar functionality that includes facilitating creation of an avatar conference being conducted simultaneously with another conference; (2) participants of an Avatar conference being a subset of participants in the other conference; and (3) an incarnation of the member administrator residing as the administrator in the avatar conference with all the capabilities that the member administrator has in the other conference in addition of a bridge function that can selectively bridge the avatar conference with the other conference.

In the May 28, 2008 Office Action, Examiner cited Christofferson as disclosing these

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additional features and functionalities. However, Christofferson does not in fact show all of these additional features and functionalities.

Examiner cites specific portions of Christofferson (column 13, lines 9-22 and column 16, lines 33-65) as revealing all of these features and functionalities. Christofferson (column 13, lines 9-22) discusses attenuation that affects participant stations that have such a policy enabled and situations where a system administrator filters certain content from all participant stations. Christofferson (column 16, lines 33-65) discusses visual interfaces for a virtual chat room utilizing a bridging system and shows the icons for links to separate chat rooms.

No cited portion of Christofferson explicitly discloses a member administrator that resides as an administrator in the avatar conference with all the capabilities that the member administrator has in the other conference or that the participants of the avatar conference must be a subset of participants of the other conference.

There is no discussion in Christofferson of what precisely the member administrators' capabilities are in the alleged avatar conference of Christofferson versus the alleged other conference of Christofferson. The only mention of an administrator in the cited portion of Christofferson involves a system administrator filtering certain content from all participant stations. However, there is no discussion in Christofferson of whether the system administrator has all the capabilities in an avatar conference as he has in the other conference.

There is also no discussion of who the participants must be in the avatar conference and whether they are a subset of the participants of the other conference. Indeed, the second chat room of Christofferson may have no participants in common with the first chat room or may have additional participants that are not in the first chat room, making it not a subset of the first chat room. In a business setting, it is critical that all participants in the avatar conference are also participants in the other conference. No specific limitations on who the

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participants of the second chat room (avatar conference) must be delineated in the cited portions of Christofferson.

In view of the amendments and the associated remarks, claims 1, 50, 56, 63 and 71, and all claims dependent thereon, are patentable under 35 U.S.C. 103(a) over the cited references (individually and in any combination) because they recite features, structure and/or function not present in, configured for being provided by, capable of being provided by or intended to be provided by any combination of the cited references. Accordingly, the Applicants submit that the rejection under 35 U.S.C. § 103(a) applied to claims 1-11, 13-21 and 23-76 as being unpatentable over Summers in view of Roseman and further in view of Christofferson is overcome and respectfully request the Office withdraw the rejection asserted against claims 1-11, 13-21 and 23-76 under 35 U.S.C. § 103(a).

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The Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for reasons clearly apparent, the Applicants respectfully request full allowance of all pending claims. If there are any matters that can be discussed by telephone to further the prosecution of the Application, the Applicants invite the Examiner to contact the undersigned at 512-306-8533 at the Examiner's convenience.

Respectfully submitted,

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